

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARKELLE NEAL TAYLOR,

Petitioner,

No. CIV S-05-0788 MCE GGH P

vs.

TOM CAREY, et al.,

Respondents.

FINDINGS AND RECOMMENDATIONS

On December 13, 2005, petitioner filed a request to stay these proceedings pending exhaustion of state court remedies. Respondent has not opposed this motion. Good cause appearing, the court recommends that petitioner's unopposed request be granted. Calderon v. United States District Court (Taylor), 134 F.3d 981 (9<sup>th</sup> Cir. 1998); Rhines v. Weber, 544 U.S. 269, 125 S.Ct. 1528 (2005).

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Petitioner's December 13, 2005, request to stay this action be granted;
2. The Clerk of the Court be directed to administratively close this action.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, petitioner may file written

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
2 Findings and Recommendations." Petitioner is advised that failure to file objections within the  
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
4 F.2d 1153 (9th Cir. 1991).

5 DATED: 2/24/06

6  
7 /s/ Gregory G. Hollows

8 GREGORY G. HOLLOWS  
9 UNITED STATES MAGISTRATE JUDGE

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